

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2450 – SB 2526

April 11, 2018

SUMMARY OF ORIGINAL BILL: Adds blood tests as a test that a driver is deemed to have given implied consent to for the purposes of determining the alcohol or drug content, or both, of the operator's blood. Makes further changes to implied consent law regarding blood tests and the administration of such tests. Removes the classification as a Class A misdemeanor for refusing to consent to a breath or blood test for driving under the influence (DUI); makes various other revisions to DUI law regarding breath and blood test

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$33,500/One-Time

Increase Local Expenditures – Exceeds \$100,000/One-Time*

SUMMARY OF AMENDMENT (017189): Deletes all language after the enacting clause. Authorizes accredited crime laboratories, in addition to the Tennessee Bureau of Investigation (TBI), to examine specimen for alcohol concentration, the presence of narcotics, or other drugs, or for both alcohol and drugs, and to execute a certificate or report that indicates the name of the accused, the date, time and by whom the specimen was received and examined, and a statement of the alcohol concentration or the presence of drugs in the specimen for the purpose of conducting a test to determine the alcohol content, drug content, or both, of the blood.

Requires a law enforcement officer to administer or cause to be administered a blood test for the purposes of determining the alcohol or drug content of the operator's blood, if one or more of the requirements for a blood test are present and the officer has probable cause to believe one or more violations have been committed: driving under the influence (DUI); vehicular assault; aggravated vehicular assault; vehicular homicide related to intoxication; or aggravated vehicular homicide.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

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Assumptions for the bill as amended:

- Based on the information provided by the TBI, any fiscal impact as a result of authorizing accredited crime laboratories to examine specimen and execute a certificate or report is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 55-10-406(c)(1), a law enforcement officer is required to administer a breath test for the purpose of determining the alcohol or drug content of the operator's blood, if the officer has probable cause to believe that any of the following violations have been committed: driving under the influence; vehicular assault; aggravated vehicular assault; vehicular homicide related to intoxication; or aggravated vehicular homicide.
- The proposed legislation would require a law enforcement officer to cause to be administered a blood test for the purposes of determining the alcohol or drug content of the operator's blood, if one or more of the requirements for a blood test set out in Tenn. Code Ann. § 55-10-406(e) are present and the officer has probable cause to believe one or more of the following violations have been committed: driving under the influence; vehicular assault; aggravated vehicular assault; vehicular homicide related to intoxication; or aggravated vehicular homicide.
- Any increase in the number of blood tests administered is estimated to be not significant.
- The provisions of the legislation will not significantly impact offenses for DUI, vehicular assault, aggravated vehicular assault, vehicular homicide related to intoxication, or aggravated vehicular homicide conviction, or any incarceration costs related to such offenses, because such offenses would have occurred and been prosecuted pursuant to current law in the absence of this legislation.
- Any fiscal impact to state or local government is estimated to be not significant.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee" followed by a small, stylized monogram or initials "RNC".

Krista M. Lee, Executive Director

/rbp